

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BUTTE DIVISION**

<b>PATTY LOVAAS, PRESIDENT</b>	)	
<b>ELKHORN HOT SPRINGS, INC.,</b>	)	<b>CV-06-66-BU-RFC</b>
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	
	)	<b>ORDER</b>
<b>THOMAS OSEN, DISTRICT RANGER</b>	)	
<b>AND UNITED STATES FOREST SERVICE,</b>	)	
	)	
<b>Defendants.</b>	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

On February 13, 2007, United States Magistrate Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends that Defendants' Motion to Dismiss be granted and that Plaintiff's Complaint be dismissed without prejudice. Magistrate Judge Ostby further recommends that Plaintiff's Motion to Deny Motion to Dismiss and Order to Grant Injunction and Restraining Order be denied.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Plaintiff filed what appear to be objections on February 16, 2007. Plaintiff's objections are not well taken.

After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Ostby are well grounded in law and fact and HEREBY ORDERS they be adopted in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss [*doc. #8*] is **GRANTED** and that dismissal of this action is without prejudice.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Deny Motion to Dismiss and Order to Grant Injunction and Restraining Order [*doc. #12*] is **DENIED**.

The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED this 5th day of March, 2007.

/s/ Richard F. Cebull  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE